

REMARKS/ARGUMENTS

The Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes, and deletes claims in this Application. A detailed listing of claims that are, or were, in the Application, irrespective of whether claims remain under examination in the Application is presented, with an appropriate defined status identifier.

Status of the Claims

Claims 1, 7, and 9-11 are currently amended.

Claims 6, 8, and 15-23 are now or have been cancelled.

Claims 1-5, 7, and 9-14 are now pending in this Application.

Claim Rejections and Objections

On page 2-4 of the Office Action, claims 1, 3, and 5-14 were rejected under 35 U.S.C. § 102 as anticipated by Mehra. With this amendment, claim 1 has been amended to recite, among other limitations, “the lysis buffer comprises a chelating agent and a dispersing agent, and the biological specimen is a bacterium.” Mehra does not teach such a method. Accordingly, applicant respectfully requests withdrawal of the rejection of claims 1, 2, and 5-14 as anticipated by Mehra.

On pages 4-7 of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. § 103 as being obvious over Cook in view of Chomcynski and in further view of Majumdar.

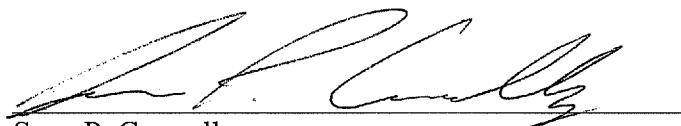
With this amendment, claim 1 has been amended to recite, among other limitations, “the lysis buffer comprises a chelating agent and a dispersing agent, and the biological specimen is a bacterium.” No proper combination of the references of record describes all the limitations of such a method. The application of one method to the extraction of RNA from whole blood does not suggest at a similar method could successfully be used for the extraction of RNA from bacterium. Accordingly, there is no teaching that provides a motivation to combine all the varied references to provide the method of claim 1. Accordingly, applicant respectfully requests reconsideration of claim 1 as amended and submits that the pending claims are in condition for allowance.

Conclusion

Applicant respectfully submits the claims are in condition for formal allowance which is courteously solicited. If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard. Should any fees be necessitated by this response, the Commissioner is hereby authorized to deduct such fees from Deposit Account No. 11-0160.

Respectfully submitted,

Date: September 27, 2009



Sean P. Connolly
Reg. No. 56,668
Husch Blackwell Sanders LLP
1620 Dodge Street
Omaha, NE 68102-1504
Tel. (402) 964-5000

ATTORNEYS FOR APPLICANT